

SENATE BILL No. 513

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-35-3-8.

Synopsis: Plea agreements. Allows a defendant who is incarcerated to receive additional credit time under a plea agreement for completion of educational, vocational, or substance abuse programs approved by the department of correction.

Effective: July 1, 2003.

Waterman

January 23, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 513

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-35-3-8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 8. (a) Except for a plea agreement containing an**
4 **admission to an offense under IC 35-42-4 or IC 35-46-1-3, a plea**
5 **agreement may provide credit time in addition to the credit time**
6 **allowed under IC 35-50-6-3.3 to a defendant who is incarcerated**
7 **for a felony offense under the following terms:**

8 (1) The plea agreement must specify the amount of additional
9 credit time that the defendant will receive for successful
10 completion of:

11 (A) the requirements for an educational diploma or
12 degree; or

13 (B) the requirements of a vocational program or substance
14 abuse program.

15 (2) Additional credit time under this section is available only
16 for an educational diploma or degree or vocational or
17 substance abuse program approved by the department of



1 correction.

2 (3) The plea agreement must require the defendant to
3 demonstrate a pattern consistent with rehabilitation as a
4 condition precedent to receiving additional credit time under
5 this section.

6 (b) After a defendant who entered into a plea agreement
7 described in subsection (a) fulfills the terms of the plea agreement,
8 the defendant may petition the court for a review hearing.

9 (c) In response to a petition submitted under subsection (b), the
10 court shall set a review hearing for a date not more than sixty (60)
11 days after the court received the petition.

12 (d) The court shall grant the additional credit time specified in
13 a plea agreement described in subsection (a) if the court finds by
14 clear and convincing evidence that the defendant has complied
15 with the terms of the plea agreement.

16 (e) A defendant bears the burden of proof in a review hearing
17 under this section.

18 (f) A prosecuting attorney may not object on the basis of
19 IC 35-38-1-17(b) to a review hearing that is held under this section
20 more than three hundred sixty-five (365) days after the defendant
21 began serving the defendant's sentence.

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